150,000 jobs saved or created by the end of 2010. State highway departments have already identified more than 100 transportation projects throughout the country, totaling more than $750 million, where construction can start within the month. In other words, we have already undergone all of the environmental requirements. We have the environmental impact statements. We are ready right now. In my State of Oklahoma, we have $1.1 billion worth of work that could be started tomorrow.

Now, President Obama stated that the projects funded under the ARRA are deemed so important to America's economic recovery that they will bear a newly designed emblem. The emblem is a symbol of President Obama's commitment to the American people to invest their tax dollars wisely and to put Americans back to work. Rest assured that section 429 of the omnibus bill will not bear this emblem.

I applaud the President for highlighting infrastructure spending as a main driver of immediate job growth in the stimulus plan, but I am concerned by the conflicting priorities created by section 429. You cannot support large infrastructure spending as an economic stimulus while simultaneously endangering its translation into job growth with more redtape.

The Murkowski-Begich amendment correctly requires that if these ESA rules are withdrawn or revised, the action is subject to the requirements of the Administrative Procedures Act, with at least a 60-day comment period. This is a good government amendment. The fact that this amendment is even needed to restore the public participation protections is exactly the sort of nonsense that makes the American taxpayer so suspicious of Congress. From the public's perspective, the effect of this amendment would be to bring us back to the longstanding process where the agencies may withdraw and revise regulations by following the law established to do so.

We have heard from the Democratic managers of this bill that nothing new was added to this bill since last year. We have been told there is no controversial legislative language in this bill.

We have been misinformed. This rider was not a part of the negotiations or the appropriations bills last year, and I assure you, it is very controversial. I urge the leadership to allow the Senate to vote on the Murkowski-Begich amendment, and I ask for my colleagues' support for ensuring regulatory transparency.

I believe this is very important because, without this, there is so much uncertainty as to what the application would be in terms of the Endangered Species Act. So I encourage the adoption of that amendment.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. INHOFE. Madam President, it is my understanding we are in a period of morning business. I ask unanimous consent to be recognized for what time I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRNESS DOCTRINE AND LOCALISM

Mr. INHOFE. Madam President, last week I joined 86 of my colleagues to pass Senate amendment No. 573, offered by Senator DEMINT to the DC Voting Rights Act, which prohibited the Federal Communications Commission from reinstating the fairness doctrine.

This has become an issue over the years where you can recall the action that took place back in the middle 1980s—I think 1986—that recognized the fact that we have so many opportunities for people to get at information that it is no longer necessary to have what they call the fairness doctrine.

Last week's vote was the first nail in the coffin of the fairness doctrine, but it was not the end of the attempt on the part of some people to regulate the airwaves. I have long been outspoken on this issue. It gives me great satisfaction that so many of my colleagues voted in favor of free speech over Government regulation last week. But the debate has changed. In a straight party-line vote, Democrats chose to adopt Senator DURBIN's amendment No. 591, which calls on the FCC to ''encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.''

Essentially, it makes an end run around the fairness doctrine. Those on the other side of the aisle believed this would allow them to proclaim their opposition to a reinstatement of the fairness doctrine, which has always been a losing issue for them, while at the same time replacing it with an equally heinous piece of legislation that gives the FCC unfettered authority to interpret that language however they please.

So we have potentially taken away the threat of the fairness doctrine, which requires broadcasters to ''present controversial issues of public importance in an equitable and balanced manner,'' and replaced it with ''encouraging and promoting diversity in communication media ownership.'' At least with the fairness doctrine, broadcasters had an initial choice of how to interpret ''controversial issues of public importance'' before answering to the FCC, but this new authority gives all the power to a Government agency and none to the people of the broadcast industry.

One thing I know: When you take choice out of the market, and when you impose the Government's will on an industry, that market and that industry will suffer, and that is exactly what Senator DURBIN's legislation attempts to accomplish. What was once the fairness doctrine has now become the Durbin doctrine.

What, I ask, does ''encourage and promote diversity in communication media ownership'' really mean? I certainly cannot tell you what it means, and that is what concerns me because it is up to someone else's interpretation. The legislation offers no words of clarification or specificity. If I were an FCC commissioner, I would not know what to do with this language, and in any other line of work, I would send it directly back with a little note attached asking to please be more specific. But Federal agencies love this kind of language because it gives them greater leeway to interpret it however they like—which could be interpreted differently by different governmental agencies—and impose their will upon the industry they regulate.

My Democratic colleagues who promoted this amendment like this type of language because it, first, means that they do not have to spend the time drafting quality legislation aimed at solving a specific problem, and, two, it means they can disavow their true intention of having greater Government regulation of the airwaves. Now, at the same time, they can say: Well, I voted for the DeMint amendment. So that offered cover for these individuals.

This legislation is so incredibly vague and so potentially far reaching that I cannot say with any certainty what the end result will be. This is not good governance, and it is not good legislative practice to cede such authority to any agency of our Government, especially when the right to speak freely over the airwaves will most certainly be impacted.

Another threat to our freedom of speech is a stealth proposal called ''localism,'' which could force local radio stations to regulate the content they broadcast. It is important to note that ''localism'' as FCC policy already exists, but new policies that have been proposed reach far beyond ensuring that broadcasters serve their local communities.

The FCC gave notice of proposed rulemaking. This was back on January 24, I believe it was, of 2008. While the regulations were ultimately dropped, they are indicative of future attempts to regulate the airwaves through localism and something about which all Americans need to know.

Among other things, the proposal would have required radio stations to, one, adhere to programming advice from community advisory boards; two, report every 3 months on the content